



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

WMP
F.#2009R00969

271 Cadman Plaza East
Brooklyn, New York 11201

December 19, 2011

BY HAND DELIVERY AND ECF

Jeffrey G. Pittell
Maher & Pittell, LLP
299 East Shore Road
Great Neck, New York 11023

Re: United States v. Frank E. Perkins
Criminal Docket No. 10-968 (DLI)

Dear Mr. Pittell:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter. The government also requests reciprocal discovery.

1. Statements of the Defendant

Enclosed is a copy of a report that contains a summary of the defendant's statements to Postal Inspectors of the United States Postal Inspection Service on March 28, 2011. (Bates stamped EDNY-FEP-000001 - EDNY-FEP-000011).

2. Prior Criminal History

A copy of the defendant's criminal history report is enclosed. (Bates stamped EDNY-FEP-000012 - EDNY-FEP-000013).

3. Documents and Tangible Objects

Enclosed are thirty-two discs that contain copies of the following materials:

- DISC 1 (Bates stamped EDNY-HFGI-000002 - EDNY-HFGI-003806) - Records from the following financial institutions:
 - Columbia State Bank - Account # 7000372271

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- Columbia State Bank - Account # 1100862547
- Columbia State Bank - Account # 7000424759
- Columbia State Bank - Account # 7000424866
- Columbia State Bank - Account # 0000695015
- Commerce Bank - Account # 7861671076
- Commerce Bank - Account # 7860133227
- Commerce Bank - Account # 7860133649
- HSBC - Account # 660-82478-7
- HSBC - Account # 660-10651-5
- HSBC - Account # 660-83343-3
- HSBC - Account # 660-82492-2
- HSBC - Account # 664-72951-7
- Wachovia - Account # 2000028177159
- Wachovia - Account # 2000028176985
- Wachovia - Account # 1010214418532
- DISC 2 (Bates stamped EDNY-HFGI-003807 - EDNY-HFGI-007163)
 - New York Life Insurance - Stacey Lange
 - New York Life Insurance - William Lange
 - Mortgage Documents - Joseph Pascua
 - Mortgage Documents - Stacey Lange
 - Mortgage Documents - William Lange
- DISC 3 (Bates Stamped EDNY-HFGI-007164) - Recorded conversations involving:
 - William Lange (11/2/09)
 - William Lange (12/2/09)
 - William Lange (12/10/09)
 - William Lange (12/11/09)
 - William Lange (2/12/10)
 - William Lange (2/15/10)

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- William Lange (5/11/10)
- William Lange (5/20/10)
- William Lange (9/30/10)
- William Lange (11/24/10)
- Judy Shulmire (2/12/10)
- Joell Pascua (12/1/10)

- DISC 4 (Bates stamped EDNY-HFGI-007165 - EDNY-HFGI-024658)
 - Black Sand Mine ("BSMI") Business Plan (EDNY-HFGI-007165 - EDNY-HFGI-007228)
 - Documents recovered from the search warrant executed at 21003 26th Street Court East, Lake Tapps, Washington (EDNY-HFGI-007229 - EDNY-HFGI-012956)
 - Documents concerning various victims of Harbor Funding Group, Inc. ("HFGI") (EDNY-HFGI-012957 - EDNY-HFGI-024658)

- DISC 5 (Bates stamped EDNY-HFGI-024659 - EDNY-HFGI-030821)
 - Bank of America records for Arce Financial Account No. 21365606 (EDNY-HFGI-024659 - EDNY-HFGI-024701)
 - Bank of America records for Arce Financial Account No. 21365614 (EDNY-HFGI-024702 - EDNY-HFGI-025067)
 - Bank of America records for First Commercial Consultant Account No. 20768719 (EDNY-HFGI-025068 - EDNY-HFGI-025085)
 - Bank of America records for First Commercial Consultant Account No. 20768800 (EDNY-HFGI-025086 - EDNY-HFGI-026581)
 - Bank of America records for MCG Account No. 2017342099 (EDNY-HFGI-026582 - EDNY-HFGI-027800)
 - Bank of America records for HFGI Account No. 5318641227 (EDNY-HFGI-027801 - EDNY-HFGI-027822)
 - Bank of America records for HFGI Account No. 20768818 (EDNY-HFGI-027823 - EDNY-HFGI-028703)

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- Bank of America records for The Squad Account No. 5563062881 (EDNY-HFGI-028704 - EDNY-HFGI-029822)
- Wells Fargo bank records for BSMI Account Nos. 7758098276 and 8303551389 (EDNY-HFGI-029823 - EDNY-HFGI-030293)
- Citrix records for BSMI (EDNY-HFGI-030294 - EDNY-HFGI-030297)
- Email from BSMI to "Anthony Hill" (EDNY-HFGI-030298 - EDNY-HFGI-030299)
- Mining documents concerning William Lange (EDNY-HFGI-030300 - EDNY-HFGI-030314)
- Mining Lease documents concerning APV LLC, PDX LCC and Minex International Inc. (EDNY-HFGI-030315 - EDNY-HFGI-030339)
- Letters, memoranda, wire transfer information and related documents concerning HFGI (EDNY-HFGI-030340 - EDNY-HFGI-030377)
- Various escrow agreements, wire transfer information and related documents concerning HFGI (EDNY-HFGI-030378 - EDNY-HFGI-030433)
- Verizon Wireless records for telephone number (253) 266-5854 (EDNY-HFGI-030434 - EDNY-HFGI-030703)
- "Deutsche Bank MT 760 Bank Guarantee" (Secure Document - Unable to Bates Stamp)
- "HSBC" Certificate of Deposit and Confirmation of Certificate of Deposit concerning HFGI (EDNY-HFGI-030704 - EDNY-HFGI-030706)
- Additional documents recovered from the search warrant executed at 21003 26th Street Court East, Lake Tapps, Washington (EDNY-HFGI-030707 - EDNY-HFGI-030821)
- DISCS 6-12 (Bates stamped EDNY-HFGI-30822 - EDNY-HFGI-030828)
 - Various documents recovered from computers, external hard drives, a blackberry device and other storage devices that were seized during the

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execution of the search warrant at 21003 26th
Street Court East, Lake Tapps, Washington

- DISC 13 (Bates stamped EDNY-HFGI-30829 - EDNY-HFGI-032963)
 - BSMI webinar video clip (not Bates stamped)
 - BSMI website files (not Bates stamped)
 - Emails to/from "Anthony Hill" concerning BSMI (EDNY-HFGI-030829 - EDNY-HFGI-030840)
 - BSMI Private Placement Memorandum (EDNY-HFGI-030841 - EDNY-HFGI-030966)
 - BSMI Business Plan Summary (EDNY-HFGI-030967 - EDNY-HFGI-030971)
 - BSMI Business Plan (EDNY-HFGI-030972 - EDNY-HFGI-031034)
 - Emails to/from Kaiser Wealth Management (EDNY-HFGI-031035 - EDNY-HFGI-031107)
 - Emails and documents from victims of HFGI (EDNY-HFGI-031108 - EDNY-HFGI-031721)
 - GoDaddy.com records for various relevant email accounts (EDNY-HFGI-031722 - EDNY-HFGI-031819)
 - Piney River Road mortgage records (EDNY-HFGI-031820 - EDNY-HFGI-032080)
 - Cablevision records for telephone number 732-572-2041 (not Bates stamped)
 - Verizon Wireless records for telephone number 732-332-0503 (EDNY-HFGI-032081 - EDNY-HFGI-032425)
 - CenturyTel records for telephone numbers 253-853-3001, 253-853-5011, 253-853-2677 and 253-851-4767 (EDNY-HFGI-032426 - EDNY-HFGI-032963)
- DISC 14 (Bates stamped EDNY-HFGI-032964 - EDNY-HFGI-047301)
 - Corporate and financial documents concerning the defendant and the following companies: HFGI, Arce Financial Group, Inc., Arce Holdings, LLC, First Commercial Consultants, Inc., and Liberty First Services

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- DISC 15 (Bates stamped EDNY-HFGI-047302)
 - Emails, corporate and financial documents concerning the defendant, HFGI and BSMI
- DISCS 16 & 17 (Bates stamped EDNY-HFGI-047303 - EDNY-HFGI-047304)
 - Emails concerning BSMI
- DISC 18 (Bates stamped EDNY-HFGI-047305 - EDNY-HFGI-053367)
 - Bank of New York Mellon records (EDNY-HFGI-047305 - EDNY-HFGI-047318)
 - Bank of America records (EDNY-HFGI-047319 - EDNY-HFGI-047616)
 - Credit Union 1 records (EDNY-HFGI-047617 - EDNY-HFGI-048603)
 - Records concerning David Jay (EDNY-HFGI-048604 - EDNY-HFGI-048875)
 - HFGI and other corporate documents provided by Frank Perkins (EDNY-HFGI-048876 - EDNY-HFGI-049056)
 - Kaiser and Company records (EDNY-HFGI-049057 - EDNY-HFGI-049179)
 - Regions Bank records (EDNY-HFGI-049180 - EDNY-HFGI-049833)
 - Documents from Wendell and Company (EDNY-HFGI-049834 - EDNY-HFGI-049856)
 - Documents concerning Global Community Development, LLC (EDNY-HFGI-049857 - EDNY-HFGI-049918)
 - Vonage records for telephone number (718) 238-3693 (EDNY-HFGI-049919 - EDNY-HFGI-050043)
 - Capital One records for William Lange's Visa credit card accounts (EDNY-HFGI-050044 - EDNY-HFGI-050414)
 - Documents concerning victims of HFGI (EDNY-HFGI-050415 - EDNY-HFGI-051218 and EDNY-HFGI-051409 - EDNY-HFGI-051509)

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- Documents concerning a victim of BSMI (EDNY-HFGI-051219 - EDNY-HFGI-051358)
- GoDaddy.com records concerning HFGI, BSMI and other companies owned or controlled by William Lange (EDNY-HFGI-051359 - EDNY-HFGI-051399)
- Analysis by Fremont Analytical on certain samples of sand (EDNY-HFGI-051400 - EDNY-HFGI-051408)
- Joseph Pascua's notes (EDNY-HFGI-051510 - EDNY-HFGI-053367)
- DISC 19 (Bates stamped EDNY-HFGI-053368)
 - Video concerning BSMI provided by John Glassman
- DISC 20 (Bates stamped EDNY-HFGI-053369)
 - First Citizen's Bank records concerning William Lange and his companies
- DISC 21 (Bates stamped EDNY-HFGI-053370)
 - GoDaddy.com records concerning domain listings and email addresses for BSMI, Arce Holdings and other companies owned or controlled by William Lange
- DISC 22 (Bates stamped EDNY-HFGI-053371)
 - Kaiser and Company records concerning HFGI, William Lange and Stacey Lange (password: qua9rry7)
- DISC 23 (Bates stamped EDNY-HFGI-053372)
 - Verizon records concerning telephone number (253) 441-0066
- DISCS 24-32 (Bates stamped EDNY-HFGI-053373 - EDNY-HFGI-053381)
 - US Bank records concerning Joseph Pascua

You may call me to arrange a mutually convenient time to inspect, copy, and/or photograph the evidence and original documents discoverable under Rule 16.

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4. Reports of Examinations and Tests

The government will provide you with copies of reports of any examinations or tests conducted in connection with this case, as they become available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

The expert's identity, qualifications, and the bases for his or her conclusions will be provided to you when they become available.

6. Other Materials

The government is unaware of any exculpatory material regarding the defendant in this case. The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

7. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Federal Rule of Evidence 404(b).

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The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

Pursuant to Federal Rule of Criminal Procedure 12.1(a), the government hereby demands written notice, to be served within ten days of this demand, if the defendant intends to offer a defense of alibi. The written notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offenses, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offenses took place at the locations, dates, and times specified in the Indictment.

Pursuant to Federal Rule of Criminal Procedure 12.2(a), the government hereby demands written notice, to be served within ten days of this demand, of the defendant's intention, if any, to claim a defense of insanity, and also demands the names and addresses of the witnesses upon whom the defendant intends to

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rely upon in establishing the defense identified in any such notice. Pursuant to Federal Rule of Criminal Procedure 12.2(b), the government hereby demands written notice, to be served within ten days of this demand, of the defendant's intention, if any, to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing on the issue of guilt, and demands the names and addresses of the expert witnesses upon whom the defendant intends to rely in offering any such evidence identified in any such notice.

Pursuant to Federal Rule of Criminal Procedure 12.3, the government hereby demands written notice, to be served within ten days of this demand, of any of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom that defendant intends to rely in establishing the defense identified in any such notice.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/
Winston M. Paes
Assistant U.S. Attorney
(718) 254-6023

Enclosures

CC: Clerk of the Court (DLI) (w/o enclosures) (by ECF)